

# Overseas Buildings Operations' Industry Day



## A/LM/AQM

10 October 2006

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# Contracting Process

The Department's acquisition process is governed by:

- Federal Acquisition Regulation (**FAR**, 48 CFR Chapter 1)
- Department of State Acquisition Regulation (**DOSAR**, 48 CFR Chapter 6)

**<http://www.statebuy.state.gov/>**

# **FAR 13: Simplified Acquisitions**

- Governs the acquisition of supplies and services **under \$100,000** (generally set-aside for small businesses)
  - Over \$2,500, must compete
  - Over \$10,000 must be publicly announced
  - Over \$25,000 must be announced in

**[www.FedBizOpps.com](http://www.FedBizOpps.com)**

# FAR 14: Sealed Bidding

Sealed bidding procedures are used when a requirement is clearly defined, discussions are not anticipated, and award will be made on price and price related factors alone.

- A/LM/AQM issues Invitation for Bid (IFB)
  - May host pre-bid conference to answer questions
- Contractor reviews IFB and submits a sealed bid **no later than the date and time specified**
- On date and time specified, all bids are opened and read publicly

# **FAR 15: Contracting By Negotiation**

Contracting by negotiation procedures are generally used for competitive and noncompetitive negotiated acquisitions, and for when award is made on a best-value (technical and price) basis.

- Request for Proposal (RFP) is issued defining the requirement and requesting technical and pricing information. It also describes how the award decision will be made.
- A/LM/AQM responds to questions from potential offerors with answers and solicitation amendments as necessary. Questions and answers are forwarded to all potential offerors.
- Proposals are submitted by an established time and date.
- **Proposals are evaluated by the Government based on the evaluation criteria in the RFP- e.g. technical, cost/price, past-performance.**
- If necessary, negotiations (discussions) are held to resolve deficiencies and other issues, including price, with the offerors in the competitive range and revised proposals are submitted and evaluated.
- Contract(s) awarded to the successful offeror(s).

## **FAR 36 Construction and A/E Contracts**

- FAR Subpart 36.2- Construction
- FAR Subpart 36.3- Two-Phase Design-Build Selection Procedures
- FAR Subpart 36.6- Architect-Engineer (A/E) Services
  - Implements the Brooks Architect-Engineer Act



# FAR 36.2: Construction

## Capital and major projects

- Projects over \$5 million are subject to the Percy Amendment (22 U.S.C. 302), which gives a 10% monetary preference to U.S. firms.
- Projects over \$10 million or that include technical security are subject to Omnibus Diplomatic Security and Anti-terrorism Act of 1986 (22 U.S.C. 4852), requiring cleared firms and firms that meet the U.S. Persons requirement.
- **Phase I:** pre-qualification announced in FedBizOpps
  - Proposals based on the evaluation criteria
  - Firms must complete Omnibus Act Certification
  - Offerors determined to be qualified by the technical board will be eligible to propose in Phase II

## FAR 36.2: Construction Cont.

- **Phase II:** formal solicitations issued for specific projects
  - Firms participate in project site visits
  - Technical and price proposals are submitted
  - Proposals will be evaluated in accordance with the evaluation procedures contained in the solicitation
  - Contract awarded to the firm offering the best value to the Government. Best value is generally defined as the lowest technically acceptable offeror.
- Pre-qualified firms that submit acceptable offers, but that are not selected for award, may be entitled to a stipend



## **FAR 36.6: A/E**

- Projects are announced through FedBizOpps.
- AQM responds to questions with answers and solicitation amendments as necessary
- AQM receives responses to announcement, essentially a qualification package utilizing the **SF 330 (replacing the SF 254 and SF 255)**
- Firms are evaluated by the evaluation board based on the criteria in each RFP- technical competence, experience, capacity, past-performance, etc. (FAR 36.602-1)

# **FAR 36.6: A/E Cont.**

- Discussions are held with at least 3 of the most highly qualified firms.
- An A/E evaluation board prepares a rank order selection report recommending at least 3 of the most highly qualified firms.
- The selection authority reviews the recommendation of the evaluation board, selects a firm (or firms in the event of multiple award IDIQ contracts) and sends final recommendation to the Contracting Officer (CO) for negotiations.
- RFP's are sent to the selected firm(s) for a proposal.
- The CO enters into discussions, in accordance with FAR Part 15 procedures, to negotiate a mutually satisfactory contract.
- If agreement cannot be reached, the CO enters into discussions with the next most highly ranked firm.

# ARCHITECT/ENGINEERING SERVICES

- **For many future projects, the delivery method will be Design-Build Projects; however, design firms may be needed for Design-Bid-Build Projects.**
- Contracts with full-service firms or firms with consultants.
- Task Orders awarded against **GSA/MOBIS** contracts for OBO's management support services, which recently included OBO's Performance Measures and Overseas Long-Range Building Plan.
- Qualification-based selection is done in accordance with the Brooks A-E Act. Selection boards include a Pre-Selection Board, Architectural Advisory Board, and an Architectural-Engineering Council. The Source Selection Official is the Director of Overseas Buildings Operations.
- Indefinite Delivery Indefinite Quantity (IDIQ) Contracts - For design projects under \$5 million.

# A/E IDIQ's

Numerous IDIQ's have been established for various architectural and engineering disciplines.

- These include general architectural/engineering services, residential design services, telecommunication services, roofing services, cost estimating services, and construction management support services.
- A wide variety of specialized engineering services including: mechanical engineering services, electrical engineering services, seismic engineering services, environmental engineering, value engineering services, elevator engineering services and fire protection engineering services.
- Develop preliminary designs (bridging documents).
- Several of these were set aside for small business and the 8(a) programs.

# Other Services

- We acquire various miscellaneous services and supplies, other than A/E and Construction, to support OBO.
- Although most construction materials are purchased by the general contractor, fire protection equipment, security doors, X-ray machines, electrical power equipment and other items are purchased by this branch for OBO. Interior furnishings are acquired via GSA FSS Blanket Purchase Agreements (BPA's) and open market.
- Service contracts include real estate services, pest control services, environmental, security, fire protection, furniture and furnishing installation, facility maintenance, RF testing, technical security, construction security and art insurance.



# RFP Structure

- A. Solicitation, Offer, and Award
- B. Pricing Methodology
- C. Statement of Work (SOW)
- D. Packaging and Marking
- E. Inspection and Acceptance
- F. Deliveries and Performance
- G. Contract Administration Data
- H. Special Contract Requirements
- I. Contract Clauses
- J. List of Attachments
- K. Representations, Certifications and Others Statements of Offerors
- L. Instructions, Conditions and Notices to Offerors or Respondents
- M. Evaluation Factors for Award



# How do I submit a winning offer?

- Technical Proposal
- Price Proposal

# How Do I Find Opportunities?

- All requirements, except for Small Business Administration 8(a) sole source set asides and simplified acquisitions under \$25,000, are announced in **[www.FedBizOpps.gov](http://www.FedBizOpps.gov)** and other construction trade publications when the projects are ready to be designed, constructed, or government-furnished materials are to be purchased. Check daily for new design and construction projects, and supplies and services.
- Also check the OBO website: **<http://obo.state.gov/>**. It will contain all current FedBizOpps announcements, as well as lists of firms that are either under contract or pre-qualified for future construction work. This will assist many firms in locating a prime contractor for future teaming arrangements.

# Conclusion

- Contracting requirements are handled by the Office of Logistics Management, Office of Acquisitions Management. The Facilities Design and Construction Division (FDCD) is the primary contracting office responsible for supporting OBO programs.
  - FDCD- <http://www.state.gov/m/a/c13734.htm>
- Our two regional procurement offices, one in Ft. Lauderdale and the other in Frankfurt, also provide procurement assistance to OBO and other USG entities.
  - RPSO- Frankfurt-  
<http://germany.usembassy.gov/germany/rpso/>
  - RPSO- Ft. Lauderdale-  
<http://www.statebuy.state.gov/org/orgrpsof.htm>

# Conclusion

- A/LM/AQM website  
<http://www.state.gov/m/a/c8020.htm>
- The following is available through the OBO website at <http://www.state.gov/oob/>
  - Certification Relevant to the Omnibus Act, U.S. Person requirements
  - List of Qualified Design-Build and General Contractors
  - Percy Amendment Certification
  - Recently Awarded Design Projects and Contractors



- Please drop by our table for additional questions and answers. We also have pamphlets that list our addresses and telephone numbers, as well as those of our regional offices.